

MINISTRY OF AGRICULTURE AND FISHERIES

Diseases of Animals Acts and Orders
Agriculture Act, 1937 (Part IV)
Milk and Dairies Acts and Orders

SHORT GUIDE TO
THE POWERS AND DUTIES OF
LOCAL AUTHORITIES

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DISEASES OF ANIMALS ACTS AND ORDERS
AGRICULTURE ACT 1937—PART IV (DISEASES OF
ANIMALS)

MILK AND DAIRIES ACTS AND ORDERS

**SHORT GUIDE TO POWERS AND DUTIES
OF LOCAL AUTHORITIES**

Purpose of booklet

1. This booklet is intended to provide a summary of the powers conferred, and duties imposed, upon Local Authorities and their officials, by the Diseases of Animals Acts, 1894 to 1937 and Part IV (Diseases of Animals) of the Agriculture Act, 1937, by the Orders made by the Minister of Agriculture and Fisheries thereunder, and by the related Milk and Dairies Acts and Orders, on and after the date fixed for bringing into operation Part IV of the Agriculture Act, 1937, i.e., the 1st April, 1938.

Unification of Public Veterinary Services

2. In addition to conferring the additional powers required for the purpose of the proposed large scale eradication measures against tuberculosis and contagious abortion, announced by the Government in June, 1937 in the White Paper (Cmd. 5493), Part IV of the Agriculture Act provided for the establishment of a centralised State Veterinary Service, that is to say, the unification of the public veterinary services relating to animal diseases under the central control of the Minister of Agriculture and Fisheries. Section 19 (1) of the Act provides as follows:—

“ 19 (1) As from the commencement of this Part of this Act, the functions of veterinary inspectors in Great Britain under the Diseases of Animals Acts, 1894 to 1935, and any enactments relating to milk or to dairies, and the functions of veterinary inspectors in England and veterinary officers in Scotland under any arrangements made by virtue of section nine of the Milk Act, 1934, shall, in accordance with directions given by the Minister, be discharged by veterinary inspectors appointed for the purpose by him under section five of the Board of Agriculture Act, 1889, and the provisions of any enactment relating to such functions shall have effect accordingly.”

Organisation of State Veterinary Service

3. The administrative unit of the State Veterinary Service is the “Division” and Great Britain has been divided into 78 Divisions, each in charge of a Divisional Inspector. The Divisions have been grouped into 22 areas, each Area being

in charge of a Superintending Inspector. Superintending and Divisional Inspectors will establish and maintain a close liaison with officers of Local Authorities and agricultural organisations in their Areas and Divisions.

4. In the majority of cases the "Division" corresponds with an administrative county. In all cases it includes any county boroughs and other boroughs (or burghs) geographically situated therein which are separate Local Authorities for the purposes of the Diseases of Animals Acts, and any other boroughs and burghs.

Veterinary functions transferred from Local Authorities to Minister

5. The veterinary functions transferred from Local Authorities to the Minister may be defined as follows:—

(a) Diagnostic enquiries into any of the diseases of animals notifiable under the Diseases of Animals Acts. This also involves the transfer to the Minister of those functions under the Tuberculosis Order which relate to the slaughter of affected cattle and the payment of compensation to owners.

(b) The veterinary inspection of animals at markets when and where required.

(c) Routine veterinary inspection of dairy herds.

(d) Examination of cattle by a veterinary inspector on receipt of a notification from a medical officer of health that milk from a particular herd has been found infected with tubercle bacilli, or that an infectious disease is caused or likely to be caused by the consumption of milk from the herd.

(e) Tuberculin testing and inspection of cattle for the purposes of the Milk (Special Designations) Orders. (This does not affect the existing powers of local authorities to grant licences authorising the use of the designations "tuberculin tested" and "accredited" in England and Wales and "certified", "tuberculin tested" and "standard" in Scotland).

Powers and duties retained by Local Authorities

6. Local authorities still retain important powers and duties (of a non-veterinary character) under the Diseases of Animals Acts, amongst which are the following:—

(a) the promulgation of the Minister's Orders;

(b) the power to make certain local regulations; for example, internal regulations concerning the dipping of sheep;

(c) the issue of special authority for the holding of livestock markets in declared infected areas, or for the exposure of imported animals;

(d) the appointment of inspectors (other than veterinary) under Section 35 (1) of the Diseases of Animals Act, 1894 for the execution and enforcement of the Acts and Orders of the Minister; the inspectors so appointed are required:—

(i) to serve and enforce notices defining Infected Places and requiring detention and isolation of animals or the dipping of sheep in certain cases;

(ii) to supervise the cleansing and disinfection of infected premises in certain cases;

(iii) to arrange for the disposal of the carcasses of diseased or suspected animals other than those of animals slaughtered by the Ministry or required for diagnostic purposes;

(iv) to issue licences for the movement of animals in infected, controlled or scheduled areas under conditions prescribed in the Minister's Orders;

(e) the local enforcement of all the general Orders of the Minister including the Orders made for the prevention of the spread of disease and for the protection of animals from unnecessary suffering during transit; providing for:—

(i) the control of the movement of imported animals;

(ii) the paving, cleansing and disinfection of livestock markets and lairs;

(iii) the cleansing and disinfection of railway and road vehicles, and special facilities for the cleansing of vehicles at markets;

(iv) the boiling of specified animal foodstuffs, the destruction of hay and straw packing material, and the disposal of meat wrappers;

(v) the regulation of the fittings of ships engaged in the carriage of livestock and of the construction of railway and road vehicles used for animals and the control of the methods of conveyance;

(vi) records of movements of stock.

7. Further, the statutory obligation placed upon the police by Section 43 of the Diseases of Animals Act, 1894, to execute and enforce the Act and every Order of the Minister of Agriculture and Fisheries thereunder, remains in full operation, and independently of their duties as inspectors where so appointed, the police are required to receive from stockowners notices of suspected cases of all notifiable diseases, and to communicate them to the proper authority as specified in the relative Orders.

8. For all these administrative purposes the co-operation of local authorities and their officers and of the police with the Ministry and its officers is indispensable.

9. Local authorities also retain all their functions under the Milk and Dairies Acts and Orders and under any other enactments relating to milk, except only in relation to the veterinary inspection and tuberculin testing of animals; and their functions in relation to meat inspection are likewise unaffected by the new arrangements under the Agriculture Act, 1937.

GENERAL DUTIES AND RESPONSIBILITIES OF LOCAL AUTHORITIES UNDER THE DISEASES OF ANIMALS ACTS AND ORDERS

(a) **Appointment of Diseases of Animals Committee and of Inspectors of Local Authorities**

10. The Diseases of Animals Acts and, as regards England and Wales, the Ministry of Agriculture and Fisheries Act, 1919, require all Local Authorities as defined for the purposes of the Diseases of Animals Acts by Sections 3 and 60 of the Diseases of Animals Act, 1894, as amended by the Local Government (Scotland) Act, 1929, to appoint Diseases of Animals Sub-Committees to discharge the powers and functions of Local Authorities thereunder.

11. Section 35 of the Diseases of Animals Act, 1894, requires Local Authorities to appoint such inspectors (other than veterinary inspectors) as they may think necessary for the execution and enforcement of the Act and Orders of the Minister.

12. The Animals (Miscellaneous Provisions) Order of 1927 (Article 10) requires Local Authorities to notify the Ministry of all such appointments with the names and addresses of the inspectors and of any changes in the inspectorate or in their addresses or districts.

(b) **Duty of Local Authority to enforce Orders**

13. Section 2 of the Diseases of Animals Act, 1894, provides that:

“The local authorities in this Act described shall execute and enforce this Act and every Order of the Minister of Agriculture and Fisheries so far as the same are to be executed or enforced by local authorities.”

14. The Orders made by the Minister under the Act contain a provision that they shall be executed and enforced by the Local Authority, except where otherwise specifically provided. The duties include generally the enforcement of the prohibitions, restrictions and requirements imposed by the Orders and by any Notices to be served thereunder. The penalties laid down

for offences against the Diseases of Animals Acts are contained in Sections 51 to 53 of the Diseases of Animals Act, 1894 as amended by Section 5 of the Diseases of Animals Act, 1927, Section 15 of the Diseases of Animals Act, 1935, and Section 30 (2) of the Agriculture Act, 1937.

(c) Publication of Orders of Minister

15. Section 49 (4) of the Diseases of Animals Act, 1894, provides that the Local Authority shall publish every Order of the Minister in such manner as the Minister may direct. In the Animals (Miscellaneous Provisions) Order of 1927, it is provided that when an Order is sent to a Local Authority for publication, it shall be published by that Local Authority, either:—

- (i) by advertisement or notice in a local newspaper;
- (ii) by means of handbills, containing a copy of or an abstract from such Order, either distributed to persons affected by the Order or affixed to places where such Local Notices are usually exhibited in the District; or
- (iii) in such other manner as the Local Authority consider best fitted to ensure publicity.

(d) Powers of Entry of Inspectors

16. Section 44 of the Diseases of Animals Act, 1894, empowers an inspector of the Ministry or of the Local Authority to enter on any land, shed, building or other place (upon production of his reasons in writing if so required by the owner, occupier or person in charge) wherein he has reasonable grounds for supposing—

- (i) that disease exists or has within 56 days existed; or
- (ii) that the carcase of a diseased or suspected animal is or has been kept, or has been buried or otherwise disposed of; or
- (iii) that there is to be found any pen, place, vehicle, or thing, in respect of which any person has failed to comply with the Act or an Order of the Minister or regulation of a local authority; or
- (iv) that the Act or an Order of the Minister or Regulation of a Local Authority has not been complied with.

17. Section 44 (3) authorises an Inspector of the Ministry or Local Authority to enter any pen, vehicle, vessel or boat, in respect of which he has reasonable grounds for supposing that the Act or any Order of the Minister or Regulation of a Local Authority has not been or is not being complied with.

18. Section 44 (6) empowers an Inspector of the Ministry to enter any shed, land or other place for the purpose of ascertaining whether foot-and-mouth disease, swine fever or pleuro-pneumonia exists therein or has existed within 56 days.

19. Section 2 of the Diseases of Animals Act, 1903, empowers an inspector of the Ministry and, if so authorised by Order of the Minister, an inspector of the Local Authority, to enter any premises and examine any sheep thereon. Such authority has been given to Inspectors of Local Authorities in Article 26 of the Sheep-Scab Order of 1938.

20. Section 4 of the Diseases of Animals Act, 1910, empowers an Inspector of the Ministry or of the Local Authority to enter any vessel for the purpose of ascertaining whether the provisions of that Act or of any Order (relating to exportation or shipment of horses) are being complied with. Article 11 of the Exportation and Transit of Horses, Asses, and Mules Order of 1921, requires the Shipping Company and the Master of the vessel to give all reasonable facilities to any such inspector to enter any vessel on which horses, asses or mules are being shipped and to make voyages thereon for the above purposes.

21. Section 6 of the Diseases of Animals Act, 1935, empowers an Inspector of the Ministry, and if so authorised by an Order of the Minister an Inspector of the Local Authority, to enter any pen, shed, land or other place in which he has reasonable grounds for supposing that poultry are or have been kept, for the purpose of ascertaining whether disease exists or has existed therein. This particular power of entry has not yet been extended by an Order of the Minister to an Inspector of the Local Authority, but the powers of entry conferred upon such an Inspector by Section 44 of the Act of 1894 as above described are exercisable by an Inspector of the Local Authority in relation to premises where poultry are kept.

22. Section 29 of the Agriculture Act, 1937, provides that for the purpose of obtaining information required for the purposes of that Act—

“(c) the Minister may authorise in writing any veterinary inspector or other officer of the Ministry of Agriculture and Fisheries to inspect animals or poultry; and any person so authorised may, for the purposes of any inspection to be carried out by him, at all reasonable times, upon production of his authority on demand, enter on any land or premises and apply such tests and take such samples as he considers necessary.”

This power does not extend to an Inspector of the Local Authority.

(e) Seizure and detention of animals or carcases illegally exposed or moved

23. Where an animal or carcase is exposed, moved or dealt with in any market, highway, railway, waterway, common, or other such public place in contravention of the prohibitions referred to in the respective Orders relating to the notifiable diseases, an Inspector of the Local Authority is required to seize, remove and detain it in accordance with the relative provisions of the Order applicable to the disease of which the animal or carcase is suspected and he must forthwith *notify the Ministry's Divisional Veterinary Inspector at the Divisional Office of the action taken*. That portion of the market or other place where the animal was found must not be again used for animals unless and until a certificate has been given by an Inspector that that portion has been, as far as practicable, cleansed and disinfected in the prescribed manner.

DUTIES AND RESPONSIBILITIES OF LOCAL AUTHORITIES UNDER THE MILK AND DAIRIES ACTS AND ORDERS—EFFECT OF PART IV OF THE AGRICULTURE ACT, 1937.

24. The principal enactments relating to milk and dairies affected by the provisions of Section 19 of the Agriculture Act, 1937 are:—

In England and Wales:—

The Milk and Dairies (Consolidation) Act, 1915 and the Milk and Dairies Orders 1926 and 1938 made thereunder;

The Milk and Dairies (Amendment) Act, 1922 and Section 10 of the Milk Act, 1934 (which, with certain modifications, apply also to Scotland) and the Milk (Special Designations) Orders, 1936 and 1938 made thereunder.

In Scotland:—

The Milk and Dairies (Scotland) Act 1914 and the Milk and Dairies (Scotland) Order, 1934 made thereunder;

The Milk and Dairies (Amendment) Act, 1922 and Section 10 of the Milk Act, 1934 and the Milk (Special Designations) Orders (Scotland) 1936, 1937 and 1938 made thereunder.

25. Except in relation to the veterinary inspection and tuberculin testing of cattle, the powers and duties of local authorities under these Acts and Orders are not affected by the Agriculture Act, 1937.

26. The division of duties among the various authorities concerned after the transfer of veterinary functions will be as follows:—

I. England and Wales

(a) **Milk and Dairies Orders, 1926 and 1938** (made under the Milk and Dairies (Consolidation) Act, 1915)

The Order of 1938, which operates from 1st April, 1938, revokes Articles 8, 9 and 10 of the Order of 1926 relating to veterinary inspection of dairy cattle by County and County Borough Councils.

Councils of County Boroughs

Responsible for administration of whole of Order of 1926, as amended by Order of 1938.

County Councils

Administration of Article 11 of Order of 1926 which, *inter alia*, specifies additional diseases affecting cows which are to be regarded as diseases for the purposes of Section 5 of the Act of 1915.

Borough Councils, Urban District and Rural District Councils, Metropolitan Borough Councils and Common Council of City of London

General administration of the Order of 1926 as amended (except Article 11), i.e., the registration of cowkeepers and dairymen and of dairies, and enforcement of the general requirements as to structure and cleanliness of cowsheds and dairies, methods of milking, cleansing of utensils, protection of milk against contamination, both at the farm and in course of distribution, and other related matters.

Ministry of Agriculture and Fisheries

Veterinary inspection of dairy herds. Where in the course of such inspection an animal is found to be affected with one of the diseases specified in Section 5 of the Act of 1915 as extended by the Second Schedule to that Act and by Article 11 of the Order of 1926, it will, if the case is one of tuberculosis or other disease coming within the scope of an Order under the Diseases of Animals Acts, be dealt with under that Order. In the case of any other of the specified diseases a copy of the Veterinary Inspector's report will be sent to the County Council or County Borough Council concerned with whom will rest the responsibility for any action under the Milk and Dairies Acts and Orders.

(b) **Milk and Dairies (Consolidation) Act, 1915 (Section 4)**

County Councils and other Local Authorities

The ascertainment of the source of supply of milk the consumption of which the Medical Officer of Health has reason to suspect is causing or is likely to cause tuberculosis. Communication of this information as to the source of supply to the Medical

Officer of Health of the County or County Borough in which the cows from which the milk is obtained are kept, unless the Local Authority are themselves the Council of that County or County Borough. The latter Officer will communicate the information to the Divisional Veterinary Inspector of the Ministry of Agriculture and Fisheries.

Ministry of Agriculture and Fisheries

Veterinary inspection of the cattle in the dairy upon receipt of notice from the Medical Officer of Health of the County or County Borough concerned and notification of the result of such inspection to the Medical Officer.

(*Note*.—A similar procedure will be followed when in connection with disease (other than tuberculosis) in human beings suspicion attaches to milk and the Medical Officer of Health concerned desires the co-operation of a veterinary inspector in regard to the veterinary examination of cattle in the dairy supplying the milk).

(c) **Milk (Special Designations) Orders, 1936 and 1938** (made under Section 3 of the Milk and Dairies (Amendment) Act, 1922, as enacted in Section 10 of the Milk Act, 1934).

County Councils and Councils of County Boroughs and in London the Councils of Metropolitan Boroughs and the Common Council of the City of London

Granting of producers' licences authorising the use of the special designations "Tuberculin Tested" and "Accredited" and enforcement of the conditions on which licences are granted. (Licences granted to Local Authorities are issued by the Minister of Health.)

Ministry of Agriculture and Fisheries

Clinical examination and tuberculin testing of licensed herds as required by the Orders, including, where required by the Orders, the testing (after the prescribed period of segregation) of animals added to a licensed herd, unless in either case the licensing authority agrees to examination and testing by a private veterinary surgeon. Pre-liscence examinations and tests will be the responsibility of the applicant for the licence and will be carried out by veterinary surgeons in private practice subject to the requirements of the Orders. Arrangements will be made for the licensing authority to be kept informed of the results of clinical examinations and tuberculin tests made by veterinary inspectors of the Ministry.

II. Scotland

- (a) **Registration of dairies and veterinary inspection of cattle under the Milk and Dairies (Scotland) Act, 1914, and the Milk and Dairies (Scotland) Order, 1934**

*Local Authorities**

Registration of dairymen after report on premises by the Medical Officer of Health, Sanitary Inspector or other authorised officer.

Keeping of the register of dairies and dairymen in the form prescribed by the Milk and Dairies (Scotland) Order, 1934, and the enforcement of the general requirements of that Order, as to the protection of milk against infection or contamination.

Inspection and report by the Medical Officer of Health, Sanitary Inspector or other authorised officer under Section 4 (1) of the Act on every dairy as to whether the dairy conforms to the Act and to byelaws which must be made by the local authority laying down requirements as to structural conditions and conditions of cleanliness.

Ministry of Agriculture and Fisheries

Veterinary inspection of cattle in dairies under Section 4 (2) of the Act of 1914. Where in the course of such an inspection a milch cow is found in a pathological condition liable to infect or contaminate the milk, it will, if the case is one of tuberculosis or other disease coming within the scope of an Order under the Diseases of Animals Acts, be dealt with under that Order. In the case of any other pathological condition a copy of the veterinary inspector's report will be sent to the local authority concerned with whom will rest the responsibility for any action under the Milk and Dairies Acts and Orders.

- (b) **Milk and Dairies (Scotland) Act, 1914 (Sections 4 (3) and 18).** These Sections of the Act deal with cases where in regard to milk consigned to a district from any other district the Medical Officer of Health (a) is of opinion that the milk is contaminated or impure or has reasonable ground for believing that the milk is likely to cause infectious disease or other illness, or (b) has evidence that infectious disease or illness is attributable to, or is likely to be caused by, such milk. In these cases the division of duties will be as follows:—

* In the case of "large burghs" the local authority is the Town Council and in the case of counties including all other burghs the County Council.

Local Authorities

The ascertainment of the dairy from which the suspected milk is being supplied and communication of this information to the Medical Officer of Health of the district in which the dairy is situated. That Officer will communicate the information to the Divisional Inspector of the Ministry of Agriculture and Fisheries.

Ministry of Agriculture and Fisheries

Veterinary inspection of the cattle in the dairy upon receipt of notice from the Medical Officer of Health concerned and notification of the result of such inspection to the Medical Officer.

(c) **Milk (Special Designations) Orders (Scotland) 1936, 1937 and 1938**, (made under Section 3 of the Milk and Dairies (Amendment) Act, 1922 as enacted in Section 10 of the Milk Act, 1934).

Local Authorities

Granting of licences authorising the use of the special designations "Certified", "Tuberculin Tested" and "Standard" and enforcement of the conditions on which these licences are granted.

Ministry of Agriculture and Fisheries

Clinical examination and tuberculin testing of "Certified", "Tuberculin Tested" and "Standard" herds as required by the Orders, including the post-addition tuberculin testing of added animals where required, unless in either case the licensing authority agree to examination and testing by a private veterinary surgeon. Pre-liscence examinations and tests will be the responsibility of the applicant for the licence and will be carried out by veterinary surgeons in private practice subject to the requirements of the Orders. Arrangements will be made for the licensing authority to be kept informed of the results of clinical examinations and tuberculin tests made by veterinary inspectors of the Ministry.

Note.—No charge will be made to local authorities in Great Britain in respect of the services of the Ministry's veterinary inspectors for the purposes indicated in paragraph 26 of this booklet or in respect of the examination of any samples of milk they may consider it necessary to take for the purposes of veterinary examination of animals in connection with any of the functions to be undertaken by the Ministry under the above arrangements.

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